

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JONATHAN KOHUT,

Plaintiff,

v.

M. MARTIN, LT. MARTIN, D. MAY, S.
WISWELL, R. BLANCAS, M. REYES,

Defendants.

Case No. 1:22-cv-00472-HBK

ORDER GRANTING APPLICATION TO
PROCEED *IN FORMA PAUPERIS* AND
ASSESSING INITIAL FEE

(Doc. No. 2)

ORDER DIRECTING PAYMENT
OF INMATE FEES BY THE
CALIFORNIA DEPARTMENT OF
CORRECTIONS

Plaintiff, a prisoner, initiated this action on April 21, 2022, by filing a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. (Doc. No. 1, Complaint). Plaintiff seeks leave to proceed *in forma pauperis* on his Complaint and submitted a copy of his prison trust fund statement and a Certification from prison officials in support. (Doc. No. 2). Plaintiff has made the showing required by § 1915(a) to proceed *in forma pauperis* but remains obligated to pay the statutory filing fees as set forth in 28 U.S.C. § 1915. **Plaintiff is assessed the full \$350.00 filing fee and obligated to pay an initial payment of \$162.50¹ (20% of the average 6-month balance immediately preceding the filing of the complaint).** *Id.*, § 1915(b)(1)(B). Thereafter, Plaintiff is required to make monthly payments of 20% of the preceding month's income credited

¹ According to the Certification, Plaintiff's average monthly balance for the 6-month preceding the filing of the Complaint was \$812.50. (Doc. No. 2 at 3).

1 to his trust account. The California Department of Corrections is required to send the initial
2 \$162.50 payment to the Clerk of the Court and subsequent payments from Plaintiff's account
3 each time the amount in his account exceeds \$10.00, until the statutory filing fee is paid in full.
4 28 U.S.C. § 1915(b)(2).

5 ACCORDINGLY, it is **ORDERED**:

6 1. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) is GRANTED.
7 2. **The Secretary of the California Department of Corrections, or his designee shall**
8 **forward an initial payment of \$162.50 to the Clerk of the Court from Plaintiff's prison trust**
9 **account in accordance with 28 U.S.C. § 1915(b)(1)(B) and shall make future monthly**
10 **payments in an amount equal to twenty percent (20%) of the preceding month's income**
11 **credited to the Plaintiff's trust account each time the amount in the account exceeds \$10.00,**
12 **in accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been collected and**
13 **forwarded to the Clerk of the Court.** The payments shall be clearly identified by the name and
14 number assigned to this action.

15 3. The Clerk of the Court is directed to serve a copy of this order and a copy of Plaintiff's
16 *in forma pauperis* application on the Secretary of the California Department of Corrections, via
17 the court's electronic case filing system (CM/ECF).

18 4. The Clerk of the Court is directed to serve a copy of this order on the Financial
19 Department, U.S. District Court, Eastern District of California.

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21 Dated: April 27, 2022


22 HELENA M. BARCH-KUCHTA
23 UNITED STATES MAGISTRATE JUDGE
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